

REMARKS

The Examiner is thanked for the careful examination of the application. In view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

35 U.S.C. 101:

Claims 1-9 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The applicant has amended claims 1–9 to recite a computer readable medium, pursuant to the examiner's suggestion. It is respectfully submitted that claims 1–9 conform to the requirements of 35 U.S.C. § 101.

Prior Art Rejection:

Claims 1-19 are rejected under 35 U.S.C. § 102(e) on the basis of U.S. Patent Application Publication No. 2003/0009699 A1, hereinafter *Gupta*.

Independent claim 1 recites that a controlling apparatus communicates to the outside, monitors the frequency of communications and detects computer virus infection. Specifically, the controlling apparatus monitors the frequency of communications from the controlling apparatus to the outside. In other words, the frequency of data sent from the controlling apparatus is monitored.

The Office Action alleges that *Gupta* discloses a procedure of monitoring a frequency of communications from a controlling apparatus to the outside, with reference to page 12, paragraph [0149]. *Gupta*, however, is designed to detect a distributed denial of service (DDOS) attack. A DDOS attack is caused by receiving excess data from many infected computers. Therefore, it is necessary to monitor

data received from outside, rather than data being sent to outside, for detecting DDOS attacks. *Gupta* describes on page 12, paragraph [0149] that "(f)or example, a rate increase of greater than X Mbps/sec observed by Y active sensors comprising greater than Z % of the total contributing links characterizes a pending DDOS attack on the target coming from the links crossing the threshold." This description clearly indicates that *Gupta* monitors the frequency of data received at a device.

As stated above, since claim 1 of the present application monitors the frequency of data being sent from the controlling apparatus to the outside, *Gupta* and claim 1 of the present application are different from each other.

Thus, claim 1 is not anticipated by *Gupta* for the above reasons. Claims 2-9 are dependent from claim 1. Thus dependent claims 2-9 are not also anticipated by *Gupta* due to at least the same reasons as claim 1.

Claim 9 recites that the controlling apparatus is a controller for an image forming device. *Gupta* describes I/O devices 122 may include a keyboard, mouse, video monitors, printer, and the like. See page 11, paragraph [0134]. Since *Gupta* discloses I/O devices as plural devices, it is apparent that the keyboard, mouse, video monitors and printer exist separately from the CPU 120. Thus, the functions of the keyboard, mouse, video monitors and printer are also performed separately in *Gupta*. *Gupta* does not disclose special functions such as monitoring data and detecting virus at the printer itself.

On the other hand, as stated above, claim 9 of the present application recites that multiple functions, such as monitoring data and detecting a virus, are performed by the controller for the image forming apparatus, i.e. without utilizing other devices.

Therefore, claim 1 of the present application and *Gupta* are different from each other for this additional reason.

Independent claim 10 recites similar distinguishing features as those noted for claim 1. Therefore, claim 10 is not also anticipated by *Gupta*. Claims 11-18 are dependent from claim 10. Thus dependent claims 11-18 are not also anticipated by *Gupta* due to at least the same reasons as claim 10. Furthermore, claim 17 is not anticipated for the additional reason pointed out in connection with claim 9.

Independent claim 19 has been amended to more clearly distinguish over *Gupta*. The claim now recites that the controlling apparatus is controlled to communicate to the outside, monitor the frequency of communications, detect computer virus infection and print out warning content. On the other hand, *Gupta* merely discloses a general-purpose printer. *Gupta* does not disclose special functions such as monitoring data, detecting a virus, printing out a warning at the printer. Therefore, claim 19 of the present application and *Gupta* are different from each other. Thus, claim 19 is not anticipated by *Gupta*.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Respectfully submitted,

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